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Attorneys for Defendants Rimini Street,
Inc., and Seth Ravin

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**THE PARTIES' AGREED POSITION
ON CERTAIN OBJECTIONS TO
THE COURT'S PROPOSED JURY
INSTRUCTIONS**

The Parties—Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. (collectively, “Oracle” or “Plaintiffs”) and Defendants Rimini Street, Inc. (“Rimini Street”) and Seth Ravin (“Ravin”) (together, “Rimini” or “Defendants”)—have worked together to narrow the issues for the Court’s attention concerning jury instructions.

First, the following changes that Defendants propose to the Court’s instructions are acceptable to Plaintiffs:

- Depositions in Lieu of Live Testimony: All proposed changes (“you” to “your”; additional comma);
- Expert Opinion (J-25): Proposed changes to the first paragraph *only* (Plaintiffs do not agree to Defendants’ proposed changes to the second paragraph);

- Inducing Breach of Contract and Intentional Interference Damages (P-29):
Striking the final paragraph (regarding nominal damages). Plaintiffs do not agree to any of Defendants' other proposed changes to P-29.

The parties have included, as an attachment, a document showing the changes to the Court's proposed instructions on which the parties have agreed.

Second, because of the number of outstanding issues, the Parties have met and conferred concerning the instructions on which they propose to focus oral argument at the charging conference. Those instructions are:

1. The license instructions (D-8; Copyright—Express License);
2. The copyright damages instructions that would allow application of fair market value to PeopleSoft, JD Edwards, and Siebel (Copyright Damages—Introduction; Copyright Damages—Fair Market Value License);
3. The copyright lost profits—causation instruction (D-20);
4. The instructions on the elements of the inducing breach and tortious interference claims (D-23, D-24);
5. The statutory computer claims (P-29 to P-46);
6. Punitive damages (P-46);
7. Plaintiffs' requested instruction concerning CedarCrestone and TomorrowNow (Dkt. No. 810).

The Parties will, of course, be prepared to answer questions concerning any other instructions the Court would like to address.

Dated: October 4, 2015

GIBSON DUNN & CRUTCHER LLP

By: *Blaine H. Evanson*

Blaine H. Evanson
Attorneys for Defendants
Rimini Street, Inc. and
Seth Ravin

BOIES, SCHILLER & FLEXNER LLP

By: *Kieran P. Ringgenberg*

Kieran P. Ringgenberg
Attorneys for Plaintiffs
Oracle USA, Inc.,
Oracle America, Inc. and
Oracle International Corporation

ATTESTATION OF FILER

The signatories to this document are Blaine H. Evanson and me, and I have obtained Mr. Evanson's concurrence to file this document on his behalf.

Dated: October 4, 2015	BOIES, SCHILLER & FLEXNER LLP <u>By: <i>Kieran P. Ringgenberg</i></u> Kieran P. Ringgenberg Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing THE PARTIES' AGREED & JOINTLY PROPOSED JURY INSTRUCTIONS was filed, on October 4, 2015, with the Court's CM/ECF system which will send notice, via email, to all attorneys registered with the CM/ECF system.

Dated: October 4, 2015	BOIES, SCHILLER & FLEXNER LLP <u>By: <i>Kieran P. Ringgenberg</i></u> Kieran P. Ringgenberg Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation
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